

**NELSON INDUSTRIAL DISTRICT FRUIT AND VEGETABLE
CANNING AND JAM-FACTORY WORKERS.—AWARD.**

In the Court of Arbitration of New Zealand, Nelson Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925; and in the matter of an industrial dispute between the Nelson Fruit and Vegetable Canning and Jam-factory Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned company (hereinafter called "the employers") :—

Kirkpatrick and Co., Ltd., Nelson.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, doth hereby order and award :—

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions,

and provisions set out in the schedule hereto and of this award shall be binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the schedule hereto shall constitute a breach of this award, and that a penalty as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as hereinafter provided, and shall continue in force until the 5th day of August, 1938, and thereafter as provided by subsection (1) (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 10th day of September, 1937.

[L.S.]

P. J. O'REGAN, Judge.

SCHEDULE.

Hours of Work.

1. (a) The hours of work during the summer months (1st November to 30th April inclusive) shall be forty-four per week, to be worked between 8 a.m. and 5 p.m. on five days of the week, and 8 a.m. and noon on Saturdays, and during the winter months (1st May to 31st October inclusive) shall be forty, to be worked between the hours of 8 a.m. and 5 p.m. Mondays to Fridays inclusive.

(b) In the busy season night shifts may be worked for the pulping of tomatoes, and workers employed on such shifts shall be paid 2s. per shift extra.

(c) Workers on night shifts shall be allowed half an hour for a meal.

Overtime.

2. All overtime shall be calculated daily, and from Monday to Friday inclusive shall be paid for at the rate of time and a

half for the first three hours and double time thereafter, and on Saturdays shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

Wages.

3. The following shall be the minimum rate of wages: Male adults, over the age of twenty-one years, 2s. 3d. per hour.

Youths' Wages.

4. The following shall be the minimum rates of wages:—
Commencing rate—

	Per Week.		
	£	s.	d.
Sixteen years of age and under ..	1	0	0
Seventeen years of age and under ..	1	7	6
Eighteen years of age and under ..	1	15	0
Nineteen years of age and under ..	2	5	0
Twenty years of age and under ..	2	15	0

with half-yearly increments of not less than 4s. a week until the end of the third year of employment, and thereafter not less than £2 a week until the minimum rate is reached.

There shall be an additional payment of 10 per cent. during the period in which the forty-four hour week is observed.

Female Workers.

5. The following shall be the minimum rates of wages:—
Commencing rate—

	Per Week.		
	£	s.	d.
Sixteen years of age and under ..	0	17	6
Seventeen years of age and under ..	1	2	6
Eighteen years of age and under ..	1	7	6
Nineteen years of age and under ..	1	12	6
Twenty years of age and under ..	1	15	0

with half yearly increments of not less than 4s. a week until the end of the third year of employment, and thereafter not less than £2 2s. 6d. per week.

Female workers employed as inspectors shall receive not less than £2 7s. 6d. per week.

There shall be an additional payment of 10 per cent. during the period in which the forty-four hour week is observed.

Holidays.

6. (a) The following holidays shall be allowed without deduction from wages: A whole holiday on every Christmas

Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day, and birthday of the reigning Sovereign.

(b) Time worked on any of the above-named holidays or on Sundays shall be paid for at twice the ordinary rate.

(c) Payment of wages for the said holidays shall be made to all persons who have been employed in the factory:—

(i) In the case of Christmas Day, Boxing Day, New Year's Day, Good Friday, or Easter Monday, at any time during the fortnight ending on the day on which the holiday occurs;

(ii) In the case of any other whole holiday, for at least four days during the week ending on the day on which the holiday occurs.

(d) For work done on the first Monday in August double time shall be paid.

Termination of Engagement.

7. Not less than one day's notice shall be given by either party of the termination of the engagement, but nothing in this clause shall prevent an employer from summarily dismissing any worker for misconduct.

Payment of Wages.

8. Wages shall be paid fortnightly and in the employer's time, and not later than the Friday of each week.

General Conditions.

9. (a) Twenty-four hours' notice shall be given to an employee who is required to work overtime, or in lieu thereof 1s. 6d. tea-money shall be paid.

(b) A female worker shall be allowed time off to make morning and afternoon tea, which shall be served at the work-bench.

(c) Boiling water shall be supplied for meals.

(d) Workers who at the date of making of this award are in receipt of more than the rate provided herein shall not have their existing rates reduced while they continue in the same employment.

(e) The proportion of youths to adult male workers shall not exceed one youth to each two adult workers.

(f) Workers employed in damp or wet places shall be supplied with gum boots.

(g) Girls working with acid fruits shall be supplied with gloves.

(h) Female fillers shall not handle more than 28 lb. in weight.

(i) Boys of sixteen years of age and under shall not handle more than 56 lb. in weight.

(j) No female shall be required to push coolers.

Matters not Provided for.

10. Any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the local Inspector of Factories, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Inspector, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Extension of Hours under Factories Act.

11. Pursuant to the provisions of section 3 of the Factories Amendment Act, 1936, the limits of hours fixed by subsection (1) of that section are hereby extended upon the terms of this award in respect of every occupier of a factory bound or to be bound by this award.

Workers to be Members of Union.

12. (a) It shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award or who is not for the time being a member of a trade-union which was registered as such before the 1st day of May, 1936, and which is bound by this award:

Provided, however, that any non-unionist may be continued in any position or employment by an employer bound by this award during any time while there is no member of a union bound by this award who is available to perform the particular work required to be done and is ready and willing to undertake it.

(b) For the purposes of subclause (a) of this clause a person of the age of eighteen years or upwards, and every other person

who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of twenty-one years and upwards, shall be deemed to be an adult.

(NOTE.—Attention is drawn to subsection (4) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, which gives to workers the right to join the union.)

Under-rate Workers.

13. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such Inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such Inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b) Such permit shall be for such period, not exceeding six months, as such Inspector or other person shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such Inspector or other person shall think fit.

(c) Notwithstanding the foregoing, it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d) It shall be the duty of the union to give notice to the Inspector of Awards of every agreement made with a worker pursuant hereto.

(e) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Scope of Award.

14. This award shall operate throughout the Nelson Industrial District.

Term of Award.

15. This award, in so far as it relates to wages, shall be deemed to have come into force on the 5th day of August, 1937,

and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 5th day of August, 1938.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereunto set his hand, this 10th day of September, 1937.

[L.S.]

____ P. J. O'REGAN, Judge.

MEMORANDUM.

This award embodies the recommendations arrived at by the assessors in Conciliation Council as amended, by agreement of the parties, at the hearing.

P. J. O'REGAN, Judge.
